

Submission for FCC solicitation of public comments on GN Docket 10-25

Future of Media & Information Needs of Communities in a Digital Age .

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OVERVIEW

The current FCC complaint process and web based history of complaints for the public record should be expanded as follows:

1] Expanded Complaint Reporting Option when an FCC Licensee Broadcasting Specific Content that is Inciting or Aiding Acts of:

a] Violence Against Specific Persons and/or Organizations.

b] Obstruction of the Administration of Police or Legal Proceedings.

c] Intimidation of Persons or Organizations from Initiating or Participating in Free Speech, Lawful Assembly or Legal Recourse.

2] Creating and Maintaining an Expanded and Detailed Real Time Public Database for all Complaints Filed with FCC and Allowing Audio and Visual Broadcast Files to be Submitted and Accessed by the Public when Examining the Entire Text of the Complaint.

Part 1: CREATING A NEW CATEGORY OF COMPLAINT FOR HIGH THREAT.

Of special interest and focus of this submission is classifications of egregious misuse of broadcast media that pose the highest threat to individual and public safety and rule of law by measure of potential impact and immediacy of threat.

The FCC's complaint process first and foremost constitutes a forum for open public record, while secondarily a mechanism for potential regulatory actions of public policy enforcement. It should never be constructed or allowed to be used to give a political bias or preferential liberty in the use of

public media.

Hate speech per se is NOT cause for a new general category of FCC complaint as I envision it. The operative concept that distinguishes this type of FCC violation is the SPECIFICITY of action and person(s) that are intended by the threat.

A specific complaint category of High Threat should be created and added to the seven current ones. This will differentiate and direct complaints to the FCC that can be stored in a public record and readily screened by the FCC and the public for general awareness, news reporting and assessment if protective measures by government and the private sectors who are potentially impacted by the specifics of the High Threat complaint choose to act promptly and outside the FCC's jurisdictional authority and response time capacity.

At times of license renewal, special weight of assessment but the public can be made when especially High Threat complaints and FCC actions are easily viewed to see a broadcasters contributions, or lack thereof, to the local community as a whole.

The creation of a special complaint category should be done with the utmost caution to allow it to serve a very narrow purpose and not become a mechanism for frivolous or ungrounded complaints that, when placed in a public forum and database, can have equally antisocial effects if false complaints take on a life of their own and are irresponsibly referenced, retransmitted or not eventually shown for the record to be without merit.

It may also be necessary to require a higher threshold of proof of violation to allow a broadcast complaint to receive "standing" and cause for FCC investigation and regulatory enforcement measures taken. A mechanism can also potentially be created that would cause the FCC to collaterally forward the complaint to appropriate law enforcement agencies that have prevue over illegal actions that are potentially being initiated or aided by the accounts of the complaint.

Submission of a copy of the actual broadcast audio and/or visuals that support directly the facts of the complaint could be one threshold for a certification of the complaint and its entry into a general public data data base. Sworn statements by multiple individuals attesting to essential elements and facts of the broadcast in question could be another burden to be met for having the complaint moved to a higher degree of action either in immediacy or enforcement priority of egregiousness of the purported offense.

Here are the narrow scope of offenses of broadcasting that would qualify for a meritorious complaint in the category of High Threat:

FCC Licensee Broadcasting Specific Content that is Inciting or Aiding Acts of:

a] Violence Against Specific Persons and/or Organizations.

b] Obstruction of the Administration of Police or Legal Proceedings (by government agencies or private parties).

c] Intimidation of Persons or Organizations from Initiating or Participating in Specific acts of Free Speech, Lawful Assembly or Legal Recourse.

The intent of this narrow characterization of High Threat is not the same as highly offensive, absurd or hateful in a general context.

Recognizing the the FCC's staff, budgets, response times and scope of authority are limited, whatever the FCC can do to cost-effectively provide immediate and detailed public awareness of threatening communications that are potential abuses of media platforms, is clearly within its mandate of promoting beneficial freedom of speech and community welfare through lawful and universally access to all social commerce of ideas, be they good or bad, with censorship being a last and rarely necessary recourse.

The FCC complaint database can also easily be formatted to allow directly, or through supplementary private market computer applications, to also have the option to proactively screen the new FCC complaints in the High Threat category (or eventually all categories as well) as they are submitted in real time. An electronic flag would be raised when specific key words in a new FCC complaint such as a broadcaster, show or media organization by specific name and/or a topic content of a broadcast infraction cited in the complaint matches key words such as a specific race, a specific person by name, specific organization, specific event, specific action or descriptive words (such as kill, shoot, evil, Nazi) that have been selected in a database monitoring parameter for issuing an email notice of potential concern.

Now, flagging the FCC complaint database to automatically report to an FCC case worker, news organization or a private citizen when a new FCC broadcast complaint submission is made that meets specific criteria, is a powerful and extremely cost effective tool for helping protect those potentially threatened with timely information and inhibiting the promulgation of threats of serious specificity in the first place.

If a person(s) or organization has been the target of virulent hate speech or threatening speech via broadcasts by specific individuals or media organizations, creating a flagging mechanism would allow private parties or government law enforcement to monitor ongoing and increasingly severe

threats and act defensively through such measures as civil courts to obtain cease and desist orders, protective orders, libel and slander judgments, surveillance, search or arrest warrants, cancellation of or increased security at public events if a threat is deemed real and potentially dangerous.

First a few examples that would not qualify as High Threats are hypothetical.

For someone to broadcast an opinion that "I hate black people." lacks specificity of the person(s) and an action that will or should be taken against the specific person(s).

To declare, "That all the black people in America should be rounded up and shipped back to Africa." lacks both plausibility and any specifics of who, when and where the round-up is to take place. "I think most all these civil rights lawsuits are a bunch of B.S. and just a bunch of spoiled and lazy people who think hard working people like me who are taxed to death owe them some sort of reparations for something that happened a hundred years ago or because I am white. They are ruining this country and I'm not going to take it any longer: we have to fight every way we can to save America from the welfare cheats, drug dealers, the flood of Mexican scum and damn liberal lawyers and that communist Obama!" No matter how venomous and intolerant the tone of speech might be in speaking these words, there are no specifics of actions, methods or targeted individuals or property.

The one example of an abuse of FCC broadcast charter where the High Threat option would be useful is a real life event that occurred in February of 2010 through the use of PUBLIC radio airwaves. The regular broadcast personality as part of a ranting opinion segment constructed a fantasy scenario that expressed the just killing of a specific person in a specific way because they acted legally in a matter that the radio commentator disagreed with. A prominent Hispanic corporate executive was the person that deserved to be shot in the head with a gun because he used the company plane to travel to the White House with his wife at the invitation of President Obama rather than traveling to Washington, DC on a public airline or private charter that he paid for.

While at first take this opinion seems so absurd as to be dismissed until you understand that this same executive has been leading a major international company that has laid off many workers locally under his leadership and may well have to lay off more.

This same career radio person had previously been suspended by Clear Channel Communications for offensive racist speech but soon reinstated to continue his current popular radio show for Clear Channel and he appears on other broadcasts across the country, specializing in right wing and often very angry commentary. Political perspective is not at issue for regulation of course, but pandering to a local audience and community adversely impacted by a corporate executive's decisions is dangerously irresponsible for a broadcaster with the power of mass media and expressing your fantasies of shooting specific people in the head that you disagree with via publicly chartered

airwaves is clearly intolerable. This both a serious potential threat to public discourse and perhaps the person being verbally targeted in a scenario for a violent death of consequence.

When a broadcast violation relates to potential violence, chilling effect threats or obstruction of law, the public as individuals, groups, news organizations and government agencies at all levels is best served and the FCC's regulatory mandate to promote and protect public welfare is dramatically enhanced if this type of complaint information that has IMMEDIATE RELEVANCE and POTENTIALLY SERIOUS CONSEQUENCES is easily able to be submitted in comprehensive detail and publicly accessed in complete detail at all times and over the course of a complaint investigation.

Part 2: EXPANDING THE COMPLAINT FORMS AND DATABASE CAPACITY.

Technology is also becoming readily available for complainants to cost effectively and rapidly make audio and visual records of broadcast content to support their allegations and submit them in conjunction with the text of complaint via the internet. Media submissions could likewise be immediately a part of the whole complaint and immediately available to the public as a part of the case number and file of a complaint filed with the FCC.

It would be very easy and cost effective with current electronic data systems and web based access to modify the FCC complaint system and complaint forms to provide expanded search functions in a complaint database with more specific information fields and greater correlation of all complaints and copies of audio visual records of broadcast violations ever filed within an enhanced FCC complaint database.

Expand the current complaint database in form and functions to real time complaints status reports and detailed public access to information on complaints, the parties involved, the current status of the complaint as it moves through the FCC review process.

Make improvements to streamline and expand the public searching the FCC historical database of complaints to study patterns and practices of individuals and corporations who have been named in complaints based on the categories and parties of the complaints.

All of the current complaint categories could also benefit from details of a computer based FCC complaint form(s) being seamlessly integrated within a whole history complaint and regulatory action database and expanded with elements of common uniformity for certain required database field entries relating to the who, what, when, where and hows of a complaint and its final resolution.

Dedicated entry fields could be expanded on a web based complaint form that create many important and specific fields in searching the entire complaint database to correlated detailed elements of complaints. For example, an entry field in a complaint form requesting the call letters of a broadcast station being cited in the complaint could be linked to a master database of call letters, broadcast frequencies, station addresses, phone numbers, corporate ownership information.

Enhancements that both expand and simplify searching for filed complaints and patterns and practices of complaints and abuses of FCC regulations should be an ongoing goal of user friendly web based FCC records access.

Expanding search capacity in multiple categories, by individual broadcasters who use multiple media outlets and platforms, and then stations that have common corporate affiliations and ownership creates a diagnostic tool as well for true transparency and accountability through public awareness, private legal recourse, citizen boycotts of specific broadcasters and/or their advertisers and law enforcement outside FCC oversight.

News organizations and other public agencies with scope of authority broader than FCC's would also benefit by having a real time alert mechanism for tracking new complaint actions upon filing with FCC.

Creating an efficient historical database of person(s) and broadcasters who engage in repeated or egregious misuse of broadcast media can be especially facilitated by how easy and comprehensive a complaint form and process can be quantified and organized for future data searches and analysis.

IN CONCLUSION:

America's history of freedom of thought and true democracy requires the protection of freedom of speech that is certainly very offensive to most people most of the time: tolerating the seemingly absurd and offensive minority is an essential element of potential check and balance against a misguided or intolerant majority. Also the evolution of freedom and social justice has historically sprung from an outspoken minority that over time often becomes the mainstream majority.

I am deeply wary of chilling effects by government law or regulation or mere majority opinion and do not seek to create standards or mechanisms that UNDULY inhibit freedom of speech by making the complaint process unfairly weighted such that complaints or their review become a mechanism to intimidate broadcasters and creators of media communications, be they small or large in size and resources of defending their legitimate exercise of free speech.